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COURT OF APPEAL, FOURH APPELLATE DISTRICT

DIVISION ONE

STATE OF CALIFORNIA

THE PEOPLE,

Plaintiff and Respondent,

v.

STEVE SANDOVAL,

Defendant and Appellant.

D052491

(Super. Ct. No. SCS179252)

APPEAL from a judgment of the Superior Court of San Diego County, Charles G. Rogers, Judge. Affirmed.

Steve Sandoval entered a negotiated guilty plea to voluntary manslaughter (Pen. Code,¹ § 192, subd. (a)), and admitted he personally used a deadly weapon, to wit, a knife (§ 12022, subd. (b)(1)) and committed the offense in association with a criminal street gang within the meaning of section 186.22, subdivision (d). Sandoval also admitted he had a prior serious felony conviction (§ 667, subd. (a)(1)) and a prior serious/violent felony or strike conviction (§ 667, subds. (b)-(i)). Under the plea bargain,

¹ Statutory references are to the Penal Code.

the prosecution agreed to dismiss the remaining charges, including murder, and allegations. The parties stipulated to a 22-year prison term.

After denying Sandoval's motion to withdraw his plea, the trial court sentenced Sandoval to 22 years—the low term of three years for the manslaughter count doubled under the "Three Strikes" law plus a 10-year gang enhancement, five years for the prior serious felony conviction and one year for the personal use of a knife allegation.

The trial court denied Sandoval's request for a certificate of probable cause.

FACTS

On September 22, 2003, Michael Owens was stabbed to death in a park in Chula Vista. Sandoval was later identified in a live line-up as one of several gang members who had confronted Owens and his friends just prior to the stabbing.

In September 2004, Sandoval entered a negotiated guilty plea to manslaughter and admitted various allegations in connection with this crime. That plea bargain called for a stipulated sentence of 27 years in prison. This court reversed the judgment in *People v. Sandoval* (2006) 140 Cal.App.4th 111, 115, 126-127, finding the trial court abused its discretion by denying Sandoval's motion to withdraw his guilty plea on the ground the plea was involuntary and the product of coercion.

DISCUSSION

Appointed appellate counsel has filed a brief setting forth evidence in the superior court. Counsel presents no argument for reversal, but asks that this court review the record for error as mandated by *People v. Wende* (1979) 25 Cal.3d 436. Pursuant to *Anders v. California* (1967) 386 U.S. 738, counsel refers to as possible, but not arguable

issues: (1) whether the trial court erred by denying Sandoval's request for a certificate of probable cause; (2) whether Sandoval was entitled to seek review of the court's denial of a hearing on his motion to dismiss; (3) whether the trial court's imposition of an increased restitution fine was improper; and (4) whether there was an adequate factual basis for Sandoval's admission of the street gang allegation.

We granted Sandoval permission to file a brief on his own behalf. He has not responded.

A review of the record pursuant to *People v. Wende, supra*, 25 Cal.3d 436 and *Anders v. California, supra*, 386 U.S. 738, including the possible issues referred to by appellate counsel, has disclosed no reasonably arguable appellate issue. Competent counsel has represented Sandoval on this appeal.

DISPOSITION

The judgment is affirmed.

McINTYRE, J.

WE CONCUR:

McCONNELL, P. J.

BENKE, J.